



The Association of Family and Conciliation Courts
 Ontario Chapter
NEWSLETTER

Issue 14, Fall 2015

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PRESIDENT'S MESSAGE:

Dear AFCC Ontario Chapter Members and Colleagues,

I cannot believe one year has already passed since I took over the reins as President of the AFCC-O. You may think that I will now list our truly amazing accomplishments over this last year. However, this newsletter outlines the various activities and events underway. The emphasis continues to be on facilitating opportunities for interdisciplinary engagement – the greatest asset that this association provides to our members. So if you bear with me, I will share some thoughts about how the AFCC Ontario chapter continues to be a role model for interdisciplinary collaboration in the family justice system; or rather, let me boast about how proud I am of the collective and unique role we play in Ontario.

First, our membership is our greatest strength. We are family judges, family law lawyers, social workers, psychologists, mediators, collaborative professionals working in family justice, and academics all committed to making family justice meaningful for families and their children, post separation and divorce.



Second, we apply our rich, collective, interdisciplinary backgrounds to sponsoring empirical research projects to learn more about how we can address the different systems (family, child welfare, and criminal) that often confound practitioners, policy makers and researchers. For example, we initiated an environmental scan and approached Ontario government agencies and non-profit organizations to better understand their policy initiatives and identify the gaps in our family law system. We then used that information to update our Ideal Family Court policy document (Nov., 2014), which identifies what we, as a collective, need to do to facilitate positive transitions for children and families involved in family justice.

We also commissioned two unique research projects: The first project focuses on 'cross-over youth' (the intersection of youth in care and their over representation in the criminal justice system) and what efforts should be made to help improve their lives. The second research project explored reforming the family justice system, by focusing on the empirical evidence to inform family court outcomes. We have also commissioned a two-part project examining the intersection between child welfare and family law disputes. All of these interesting projects can be found on our website at: www.afccontario.ca/research & policy Third, we hosted an interdisciplinary colloquium that brought together experts and leaders from across Canada to discuss current trends across family courts.

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AFCC ONTARIO CHAPTER AGM & 7TH ANNUAL CONFERENCE

FROM RISK TO RESILIENCE:

EXPLORING BETTER OUTCOMES FOR CHILDREN

Thursday October 22, 2015

12:00pm – 5:00pm Pre-Conference Institute

5:30pm - 7:30pm Evening Reception

Spring Rolls, 40 Dundas Street West

Friday October 23, 2015

8am Registration, 8:30am AGM, 9am Conference

Toronto Reference Library, Bram & Bluma Appel

Salon, 789 Yonge Street, 2nd floor, Toronto, ON



For children living through their parents' separation, life can be like a tornado; traumatic and painful, often with extensive and long-lasting effects. As professionals working with these families we try to be the calm before, during and after the storm. In our attempts to provide advice and support, family law practitioners constantly search for better models of practice. The 7th Annual Conference and AGM is AFCC-Ontario Chapter's response to this search for improved outcomes for children and parents.

The program begins on October 22, 2015, with a half-day Pre-Conference Institute, *Evidence Law for Mental Health Professionals and Lawyers*. Later that afternoon our conference continues with our annual social event at Spring Rolls (40 Dundas St. W.), from 5:30 p.m. to 7:30 p.m. On October 23, 2015, our educational session focuses on practical strategies to support parents to reduce risk and promote resilience.

By relying on our multi-faceted professional backgrounds, we can assist families as they face the challenges that arise when parents separate. In doing so, we can help parents to take steps towards positive change, perhaps preventing the tornado, minimizing the damage and achieving the goal of better outcomes for families.

Opening our conference on Oct. 23rd is keynote speaker Dr. Kyle Pruett, in a session entitled "A Game Changer in Parenting Engagement". Dr. Pruett, a child psychiatrist and Clinical Professor in the Child Studies Centre at Yale School of Medicine, is one of the world's most respected experts on child and family development. A pioneer in defining the role of men as fathers, Dr. Pruett has conducted research about how the role of fathers differs from that of mothers, and the ways in which all parents can be better resources for children. Dr. Pruett also provides advice about the tools that parents require so that they can effectively nurture and share in their children's early development.

Tapping into the expertise of AFCC-Ontario Chapter members, the balance of the conference includes various sessions designed to expand our professional toolboxes. These topics include: Better Practices, Better Parenting, Better Outcomes for Children and Families, a multi-media presentation with tips to share with parents; The 6-Minute Community Resource, a case-study review by Ontario social service agencies; Family Law Intersections, an analysis of immigration and criminal law issues and the impact on our cases; An Overview of the Integrated Domestic Violence Court (IDV Court); and, "Concurrent" Family Law and Child Protection Cases, a review of the research commissioned by the AFCC-Ontario Chapter from 2014-2015. Our program concludes with an entertaining and amusing exchange between Aaron Franks and Lucy McSweeney as they banter, inform and educate us about important child related cases from the past two years.



AFCC ONTARIO CHAPTER AGM & 7TH ANNUAL CONFERENCE

Our pre-institute and conference speakers include:

Dr. Kyle Pruett, Prof. Nicholas Bala, Jody Berkes, Justice Joseph Bovard, Justice Philip Clay, Aaron Franks, Dr. Barbara Fidler, Claire Houston, Howard Hurwitz, Lucy McSweeney, Justice Brian Scully, Prof. Martha Shaffer, Caterina Tempesta, Prof. Rollie Thompson, Deborah Zemans and Justice Roselyn Zisman.



NEW FOR 2015

AFCC-O Presents a Pre-Conference Institute

Evidence Law for Lawyers and Mental Health Professionals

This comprehensive program will take place on **Thursday, October 22, 2015**
12 to 5pm at the Toronto Children's Aid Society, 30 Isabella Street, Toronto, ON

PART I: TESTIFYING SCHOOL FOR MENTAL HEALTH PROFESSIONALS (and for lawyers interested in learning more about the challenges faced by professional witnesses)

This 2 hour session will address issues that are of use to mental health professionals who are preparing and may be required to testify in court. Topics to be covered include: (1) your rights and obligations as a witness; (2) pointers for witnesses; (3) the basics of preparing to testify; (4) the law and practice of witness examination in court, including direct examination, refreshing memory, common objections, cross-examination and redirect; (5) the cardinal principles of evidence law; and (6) giving opinion evidence. Professors Thompson and Shaffer will look at these issues from the perspective of the witness, not the lawyer, and they will suggest ways for witnesses to cope with lawyers and the law in preparing for court. Think of it as a "self-defence course" for witnesses.

PART II: THE TEN RULES OF EVIDENCE THAT EVERY FAMILY LAW LAWYER NEEDS TO KNOW (and for mental health professionals interested in learning more about the major evidentiary issues faced by family lawyers)

In this 2-1/2 hour session, Professors Thompson and Shaffer will canvass the "Top Ten" evidence "rules" that every family law lawyer needs to know. By means of lecturettes and short snapper questions, they will take you through all ten of them: (1) relevance; (2) admissibility procedure; (3) opinion; (4) hearsay and its exceptions; (5) business records; (6) the rule in *Browne v. Dunn*; (7) impeaching and supporting credibility; (8) illegally-obtained recordings, e-mails, etc.; (9) privilege for settlement negotiations; and (10) privilege for confidentiality. The session is relevant for legal practitioners of all levels of experience – those with only a bit of trial experience, those with just enough experience to still worry, and those with so much they have forgotten the rules of evidence.

More information available on our website at: www.afccontario.ca/conferences



Registration at: www.cvent.com/d/yrqm92

Download a brochure <http://bit.ly/AFCCOntario>



The Law Society of Upper Canada has accredited our October 23rd conference for those that attend the full day program. Our program contains 30 minutes of Professionalism Hours, and 5 hours & 45 minutes of Substantive Content.

PRESIDENT'S MESSAGE: (continued from page 1)

We all know from our interdisciplinary perspectives and knowledge base that while separate silos have been a predominant characteristic of the civil justice system, the reality is that families and children utilize multiple systems (e.g., health, welfare, family, criminal, etc.) over and over again. We need to rethink how to work with this reality. We need to be thinking about a more responsive, robust, cost-effective, and yes, even an evidence-based holistic family justice system.

I will now get off my soapbox and invite you all to join us on Oct. 22 and 23 at the Annual AFCC Ontario Conference. There, we will continue to highlight the best and greatest bevy of judges, social workers, psychologists, mediators, family justice providers, and academics to continue the journey of learning how to make our holistic family justice system even better in the years to come. I hope to see you all soon!

Rachel Birnbaum, President, AFCC-Ontario

AFCC-O CHILD PROTECTION PROGRAM:

The Association of Family and Conciliation Courts, Ontario Chapter and The Law Society of Upper Canada co-sponsored an intensive four-day training program to develop the next generation of child protection lawyers.

The training program took place this past June at the University of Windsor's Faculty of Law. Successful completion of the program assists lawyers in being placed on Legal Aid Ontario's Child Protection Panel.

Originally created and designed by the AFCC-O and members of the judiciary and legal community to attract and train new lawyers to work in the child protection sector, the program has become one of the most comprehensive training programs on child protection in the country. It has grown in popularity, attracting lawyers from Yellowknife, and Rankin Inlet as well as Dryden, Sioux Lookout, Sault Ste. Marie, Belleville, Cornwall and Ottawa. There were 64 "students" in attendance, trained by a faculty that consisted of 24 judges and lawyers. AFCC-O Board members Justice D. Paulseth, Dr. Dan Ashbourne, Andrea Himel and Justice G. Wong contributed as presenters and, in the case of Justices Paulseth and Wong, to the teaching team.



The program title delivered what it promised. It was **intensive!** The program provided a systematic overview of all stages of a child protection proceeding, from client intake to temporary care and custody hearings to status reviews and trial.

Participants were empowered with the fundamental skills and substantive knowledge required to embark on a career in child protection law: drafting concise affidavits, evidence law, the inner workings of child protection agencies, alternative dispute resolution, developing plans of care, assessments, trial preparation, effective advocacy, and practice management.

Participants were also placed into small groups and matched with a group leader, an experienced practising child protection lawyer. In small groups, participants drafted written arguments and made oral submissions for a temporary care and custody hearing in front of a presiding Ontario justice. The individualized feedback received from judges was invaluable to the learning experience.

The program will be next offered October 26 to 29, 2016 in Toronto.



Written by: Jason Zong, AFCC-O Newsletter Committee



New Professionals Event

“Opportunities for Resolution in Family and Child Protection Law”

Interact with the Bench and legal professionals through a panel discussion, with a focus on giving advice to new family law professionals (lawyers, social workers, and mental health professionals in their first 5 years of practice) on settling files

Thursday, October 22, 2015

4:30 p.m. – 5:30 p.m.

Spring Rolls Restaurant (40 Dundas Street West)

Panel Speakers

The Honourable Justice Stanley Sherr

Ontario Court of Justice, Toronto, ON

The Honourable Justice Anthony William J. Sullivan

Ontario Court of Justice, Brampton, ON

Seema Jain

Jain Family Law & Mediation

Jeffery Wilson

Wilson, Christen LLP

Cost: \$10 for AFCC-O Conference registrants; \$20 for non-Conference registrants

To register, please visit: www.afccontario.ca/conference/

Inquiries regarding registration should be directed to Jaclyn Mackenzie via e-mail:

jaclyn@nussbaumlaw.ca

**Join us afterwards at our AFCC-O Social reception for all conference registrants,
from 5:30 p.m. – 7:30 p.m. at the same location**

The AFCC-O continues to demonstrate a strong commitment to education, innovation and collaboration in order to benefit communities, empower families and promote a healthy future for children. Our programs are designed to assist new and established professionals to expand their practices with knowledge obtained from our educational workshops.

FOURTH ANNUAL WALSH FAMILY LAW MOOT

The AFCC-O is pleased to continue to offer our annual provincial moot competition for law students, named after former Justice George Walsh of the Superior Court of Justice. The family law moot is a litigation and negotiation competition open to law students across Canada. The AFCC-O partners with the Ontario Court of Justice and the Superior Court of Justice to continue our annual family law moot event.

The AFCC-O pioneered Canada's first provincial moot held on March 15, 2013 at Osgoode Hall in Toronto which continues to be the location for our annual moot competitions. Our family law moot is well attended by law students from universities throughout Ontario and as far away as Manitoba, who greatly appreciate the experience and education the event provides. Any student registered in the LL.B. or J.D. program at a law school in Canada is eligible to participate in the moot. Each participating university is asked to provide two teams of two students which act as counsel participating in the competition.

**The 4TH
Annual
WALSH
FAMILY LAW
MOOT
IS
SCHEDULED
FOR:
Saturday,
March 12,
2016**



Please visit our website to view recaps and highlights of our previous annual moots. You may want to read the Keynote Address made by Brian Burke at our March 14, 2015 Walsh Family Law Moot entitled, "The 'Rich and Strange' World That is Family Law".

This event has been organized since its inception by our AFCC-O Past President patti cross, who acted as chair of the Moot committee. The AFCC-O graciously thanks our "mother moot—patti" for her admirable dedication and commitment to making this event a huge success. Patti is now passing the torch to our AFCC-O Treasurer Steve Benmor as our new committee chair who will endeavor to organize our event as a forefront opportunity to our new and upcoming family law lawyers. Steve Benmor is certified by the LSUC as a specialist in family law, and he has recently expanded his practice to include mediation. Steve welcomes anyone who wishes to volunteer to help with our annual moot. If you would like to assist with the 2016 family law moot organizational team please email Steve Benmor at: steve@benmor.com

Sponsorship Information:

Our Annual Walsh Family Moot will include prominent Ontario Law schools, such as Osgoode Hall (York University), Queen's University, Windsor University, Western University, Ottawa University, and Manitoba University. This is an exciting collaborative opportunity between law schools, legal academics, family justice system partners and the AFCC-O. Sponsorship opportunities are available to assist with travel costs for students and their coaches, the costs associated with renting Osgoode Hall, breakfast for all participants including the volunteers and an awards luncheon for all participants including the volunteers, amongst other associated costs. Information on AFCC-O sponsorship opportunities for this event can be found on our website.

The Walsh Family Law Moot Rules and Regulations, and sponsorship information can be found at:

http://www.afccontario.ca/walsh_family_moot.html

AFCC AND AFCC-O MEMBERSHIP BENEFITS

AFCC membership includes:

- A subscription to the ***Family Court Review***, quarterly journal with full access to archives dating back to 1963!
- Access to an online membership directory of over 4,800 colleagues worldwide (don't forget to login to the members section of the AFCC website at www.afccnet.org to update your member profile!).
- AFCC eNews monthly electronic newsletter.
- Parenting Coordination listserv of AFCC members.
- Special member discounts to attend AFCC Conferences, training programs and publications.

DID YOU KNOW... That AFCC has 21 chapters, only one other in Canada (Alberta), and that AFCC-O is the 2nd largest AFCC chapter to California in terms of membership! AFCC-O members are eligible to receive discount pricing to attend our annual conference, seminars and special events. Check our webpage Training Seminars & Workshops at this link:

[www.afccontario.ca/seminars & workshops](http://www.afccontario.ca/seminars_&_workshops)



Are you a member of the AFCC and would like to join the Ontario Chapter?

[www.afccnet.org/
Chapters/
JoinaChapter](http://www.afccnet.org/Chapters/JoinaChapter)

AFCC-O MEMBERS:

As of October 1st, 2015 we have 482 AFCC members in Ontario, & 417 are AFCC-O Members
The AFCC-O extends a warm welcome to our new chapter members!

AFCC-O members are family law judges, lawyers, mental health professionals, social workers, mediators, & other professionals in the family justice system.

We are dedicated to providing an interdisciplinary forum for the exchange of ideas and the development of procedures emphasizing collaborative methods of dispute resolution to assist families in conflict. We share a strong commitment to education, innovation, and collaboration to benefit communities, empower families and promote a healthy future for our children.

AFCC-O MEMBER SPOTLIGHT**Our Spotlight Section Enhances our Recognition of AFCC-O Members Throughout Ontario****Jennifer Suzor, LL.B., Acc.FM (OAFM), CPMed**

Jennifer Suzor is a family law lawyer and mediator who practises in Windsor. She nearly completed her B.A. degree after two years of undergraduate courses in criminology, law, political science and the like, however this was not to be. Instead, she eagerly accepted an early offer into law school to pursue her passion. Jennifer graduated from the University of Windsor Law School in 1986, and was called to the Bar in 1988.

Jennifer grew up with the law, as her father was a Crown Attorney in Windsor. She knew she wanted to attend law school since the age of sixteen, despite a competing interest in psychology. Ironically, Jennifer later determined that family law, like psychology, also requires an understanding of human nature. She recalled that, while in law school, her goal was to open a law office where she practised family law in partnership with a social worker or a psychologist, because this kind of collaboration always made sense to her. Later on, when she discovered the AFCC, she felt as though she discovered her "brethren".

Once called to the Bar, Jennifer joined a small firm, coincidentally filling a spot that had been vacated by Justice Gerri Wong, with whom she would later work closely. She immersed herself in the issues of family law, and found herself taking on a number of legal causes, including work at the Court of Appeal. She began her career at a time when family law had become recognized as a distinct and important branch of law after considerable effort and understands why today some lawyers are still hanging on to the 'rigidity' of the law and legal processes rather than fully supporting alternative dispute resolution processes.

Jennifer recalled some of the cases that were pivotal in her career development, including those that made a powerful personal impact. Beginning her career by practising family law "in a lawyerly way", she described a trial case that she won, a decision subsequently upheld in the Court of Appeal, but which nonetheless ended tragically a few years later. Jennifer began to reconsider her practice but there were few options for improvement. Years later, she learned about the AFCC when Justice Harvey Brownstone mentioned it at a two-day Family Law Summit in Toronto. The principles and collaborative focus of the AFCC reflected how she had wanted to practice over so many years. It really sparked her journey to become a mediator as she realized that there was "family law" beyond the traditional court setting.

Mediation was evolving at this time, and its possibilities as a dispute resolution process were highly appealing to her. Jennifer noted there were many lawyers in Southwest Ontario who were becoming trained in mediation theory, but few were actually

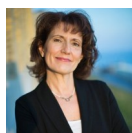
AFCC-O MEMBER SPOTLIGHT (continued from page 8)

practising mediation due to a lack of internship opportunities. She co-piloted a project with Justice Wong, the University of Windsor, and Legal Aid Ontario to provide mediation services at the Ontario Court of Justice. This project, named Bridging Family Conflict, offered a practice setting that provided experience to the motivated mediators-to-be. Bridging Family Conflict successfully bid to become the service provider when mediation and information services were expanded in the Province.

Jennifer's commitment to the field of family mediation has only grown and been reinforced by her experiences. She recalls file after file, headed for litigation, in which her role as mediator has led to resolution of family law issues, and some degree of peace for children. Jennifer became involved with the Ontario Association of Family Mediators (OAFM), and became the President of the board in May 2014.

Jennifer has attended several national AFCC conferences and Chapter conferences, assisting with fundraising for the London AFCC-O conference in 2014, and always comes away feeling rejuvenated. She attended the parent conference in 2014, in Toronto. Afterwards she resolved to do her part to change the culture of conflict resolution in family law in Windsor, with the support of AFCC-O. She explained that Windsor does not have a Family Law Association, nor a collaborative law network. On June 8th of this year, she hosted an AFCC-O sponsored event, attended by lawyers from all levels of practice together with social workers and psychologists. In true interdisciplinary style, participants were seated at round tables, had dinner together, and discussed the best ways to resolve conflict for the benefit of families. Her latest plan is to organize a series of such AFCC-O events in Windsor over the coming year, beginning with a roundtable discussion on November 11 at 5:30 p.m., entitled "Experiencing Divorce Through the Eyes of a Child".

"Jennifer Suzor has practiced family law in Ontario since 1988 and was certified as a Specialist in Family Law by the Law Society of Upper Canada in 2004"



Written by: Linda Popielarczyk, MSW, RSW, Acc.FM, AFCC-O Newsletter Committee

For more information on Jennifer's Family Law and Mediation practice visit:

www.familylawspecialist.ca

Located at: 3231 Tecumseh Road East, Windsor, ON

Email: jsuzor@familylawspecialist.ca



FEATURE ARTICLE:
The Ontario Court of Appeal Gave Us 1.7 million Reasons to End Court Orders for Custody
Written by: Steve Benmor and Shely Polak

In the groundbreaking decision of M. v. F. [2015] O.J. No. 2048, the three judge panel of the Court of Appeal, consisting of Justices Benotto, MacFarland and Tulloch, considered the best interests of a six year-old boy in a high conflict custody dispute.

The social science literature defines high conflict separations as being characterized by high levels of anger, hostility and distrust, discordant co-parenting, verbal/physical aggression, protracted litigation and strained parent-child relationships continuing two to three years post separation. Unfortunately, this case exhibited most if not all of the aforementioned characterizations. In this particular case, the parents lied to, and about, each other in several contexts. According to a psychological assessment, the father was said to suffer from alcoholism and narcissism. Throughout the course of the ongoing litigation, the mother admitted to smoking marijuana.



Further showcasing the level of conflict and hostility in this case, evidence showed that the father sent a video to the mother of a husband giving a wife keys to a car, which subsequently blew up. In a similar fashion, the mother provided false information online about the father's personal life, sexual practices and drug habits. She installed video cameras to watch the father's time with their son. She alleged physical abuse where the father hit her in the face, ripped out her earrings, dragged her downstairs and strangled her during intercourse. It comes as no surprise that police and children's aid were involved.

Normally, parents with older children will use their previous parenting experiences to make more reasonable and child-centric choices. These two parents had children from previous relationships (ages 8 and 11 for the mother, and 13 and 18 for the father) and the father had a 5 month old newborn from his current relationship. This seems to have resulted in little benefit to their 6-year-old son.

These parents just could not agree on anything regarding their son. Issues of custody and access required a comprehensive custody and access assessment which was later subjected to an expert critique by another psychologist. This matter consumed 34 days of trial, followed by an appeal. In the opening paragraph of this ruling, Justice Benotto, writing unanimously for all 3 judges, stated the powerful words:

"The parties to this appeal are the parents of a little boy now age six. They have been arguing with each other about parenting arrangements for his entire life."

Most unfortunately, it is the six-year old boy that was caught in the middle of his parents' high conflict war. It is this young boy who, by no fault of his own, suffered the emotional and psychological consequences resulting from an acrimonious environment. Custody and access assessor Dr. Butkowsky stated that this little boy had completely changed throughout the course of his involvement, from a happy outgoing child to an apprehensive child plagued by the surrounding conflict.

The Ontario Court of Appeal Gave us 1.7 million Reasons to End Court Orders for Custody (continued from page 10)

From a legal standpoint, M. v. F. is notorious for 3 reasons:

1. Expert critiques have little place in family court. As Justice Benotto stated:

"I too support the view that critique evidence is rarely appropriate. It generally - as here - has little probative value, adds expense and risks elevating the animosity between the parties."

2. There is no need for orders for "custody". As Justice Benotto stated:

"For over twenty years, multi-disciplinary professionals have been urging the courts to move away from the highly charged terminology of "custody" and "access." These words denote that there are winners and losers when it comes to children. They promote an adversarial approach to parenting and do little to benefit the child. The danger of this "winner/loser syndrome" in child custody battles has long been recognized. It was therefore open to the trial judge to adopt the "parenting plan" proposed by the assessor without awarding "custody." It was also in keeping with the well-recognized view that the word "custody" denotes "winner" so consequently the other parent is the "loser" and this syndrome is not in the best interests of the child."

3. This family spent \$1,700,000 on this court battle. That's right. \$1.7 million.

..... Did somebody say Family Mediation is a better option?



Steve Benmor, B.Sc., LL.B., LL.M. is a Fellow of the International Academy of Matrimonial Lawyers, a Certified Specialist in Family Law by the LSUC, and is the Chair of the OBA Family Law Section. He can be reached at Benmor Family Law Group www.benmor.com or via email: steve@benmor.com

Shely Polak, MSW, RSW, Acc.FM. is a clinician in private practice providing specialized services related to family separation and divorce including: custody and access assessments, family mediation, therapeutic reunification, parenting coordination, and individual (child, adolescent and adult) therapy. She can be reached via her website: www.shelypolak.com or via email: shely.polak@gmail.com



DID YOU NOTICE THAT WE PROVIDE HYPERLINKS TO WEBSITES AND EMAILS THROUGHOUT OUR NEWSLETTER IN RED INK?

**NICK BALA SCHOLARSHIP:****The AFCC-O is pleased to announce Katie Hunter as the recipient of the 2015 Nicholas Bala Award for Excellence in Children and Family Law.**

In her paper, "Spare The Rod, Spare the Negative Effects?: Section 43 of the Criminal Code of Canada's Protection of Corporal Punishment, Physical Correction and Physical Restraint", Ms. Hunter addressed the legality of the corporal punishment of children in Canada. Ms. Hunter highlights the negative effects of corporal punishment on children and argues that we should use interdisciplinary educational sessions to help parents develop more constructive parental discipline.

Ms. Hunter explains that her choice of topic is influenced by her own interdisciplinary experiences, and it is a continuation of her interests in the unique legal and psychosocial issues faced by children. Prior to attending law school, Ms. Hunter completed a Master of Social Work at the University of Toronto. Working with Dr. Esme Fuller-Thomson, a Professor at the Factor-Inwentash Faculty of Social Work, Ms. Hunter investigated the effect that childhood abuse has on adult health outcomes. Ms. Hunter credits Dr. Fuller-Thomson with sparking her interest in research: "In addition to teaching me the fundamentals of conducting quality research, Dr. Fuller-Thomson taught me what good leadership can look like."

After being accepted at Queen's Law, Ms. Hunter continued to pursue her interest in family and children's law. Working with Professor Bala and fellow law student Rebecca De Fillipis, Ms. Hunter co-authored a report on crossover youth – those involved in both the criminal justice and child welfare systems. Commissioned by the AFCC-O, this report was presented at the October 2014 AFCC-O conference and the findings have been published in the Canadian Criminal Law Review. When asked about her work on the report, Ms. Hunter says: "It was an incredible learning experience. I was honoured to have the opportunity to speak with youth and legal experts about the ways in which the system could be improved."

During her second year of law school, Ms. Hunter participated in the Walsh Family Law Moot organized by the AFCC-O: "Competing in the Walsh Family Law Moot was instrumental in developing my oral and written advocacy skills."

Ms. Hunter describes how Professor Bala inspired her work: "Professor Bala's work has always resonated with me because of his belief in the importance of fostering children's empowerment and their right to have a voice in the systems in which they become involved. It seemed discordant to me that the corporal punishment of children in Canada remains legal even though corporal punishment has proven to be harmful to children and alternative forms of discipline are more effective."



NICK BALA SCHOLARSHIP: (continued from page 12)

Ms. Hunter is pursuing a career in family law. She spent a summer at the Office of the Children's Lawyer (OCL) and will be completing her articles at Williams Family Lawyers in Unionville, Ontario. Ms. Hunter says she was drawn to Williams Family Lawyers by their motto "Compassion, Integrity, Results" and she says: "I have continued to be impressed by principal partner Cheryl Suann Williams' articles such as 'Emotional Rescue – The Emotional Dynamics Leading to a Family Law Dispute' that helped me to better understand the intersections between emotionality, personal relationships and family law."

Ms. Hunter's work in the family law field is inspired by the hard work of people and organizations across the field. "I am very grateful for individuals such as Professor Bala and Professor Fuller-Thomson and am also thankful for organizations like the AFCC-O who dedicate so much effort to fostering interdisciplinary work within the legal profession."

Learning of his former student's success, Professor Bala stated "With her background in social work, her summer research work on cross-over kids and her great commitment to family law, Katie Hunter is a most worthy recipient of this award."



Written by: Karla McGrath, JD, LL.M., AFCC-O Newsletter Committee



The Nicholas Bala Award for Excellence in Children and Family Law is an annual scholarship award that will be granted to a student enrolled in or recently graduated from a graduate level program in social work, joint social work/law or law (LL.B. or JD), psychology and/or medical school (psychiatry).

The award includes \$1,000.00 and free registration at our AFCC-O Annual Conference.

The submission deadline for the Nick Bala Scholarship award is May 1st of each year

For information on the scholarship and how to apply, please visit our website at:

www.afccontario.ca/nicholas_bala_award.html

**FEATURE ARTICLE:****Implications of Amendments to the Immigration and Refugee Protection Act: The Plight of Sponsored Spouses****Written by: Archana Medhekar & Deepa Mattoo**

As lawyers who work closely with immigrant families – one of us specializing in legally aided immigration cases and the other specializing in family law cases – and as women and immigrants ourselves, we have had a unique opportunity to consider immigrant issues from both a legal and sociological perspective. In this article, we share our observations of some of the trends and issues arising from recent changes in immigration laws and policies. We will also describe some of the complexities arising from the cultural and inter-jurisdictional nature of the issues, and the impact on Canadian immigrant families.

The recent, significant changes to immigration law have had implications for the status of sponsored spouses, very often women, as permanent residents. For the purposes of this article, the sponsor will be assumed to be male and the sponsored spouse, female.

The underlying policy objective for the amendments was to stop abuse of the spousal sponsorship process due to marriages of convenience in Canada. While abuse of the immigration system through 'fraud marriages' caught the attention of policy makers, related issues such as forced marriages and abandonment of married spouses in their home country did not receive the necessary consideration and policy analysis. As a result, we have observed unintended consequences that have had a profound impact on many sponsored spouses.

On October 25, 2012, the amendments to the *Immigration and Refugee Protection Act* came into effect. Prior to the changes, the rules of sponsorship were simple. A Canadian citizen or permanent resident could sponsor his married or common law partner from inside or outside of Canada. When the application was approved, the sponsored person received her permanent resident status. There were established provisions for investigating cases where the sponsored person misrepresented her situation with the possible consequence of revocation of sponsorship.

The new amendments, however, declared permanent residence to be conditional. Permanent residence now requires the sponsored spouse/partner to cohabit in a conjugal relationship for two continuous years after the conditional permanent residency is granted. Consequently, if a spouse were to leave a relationship within two years, her permanent residency status may be revoked, and she may be deported. The few broad exceptions to such deportation are: Death of sponsor, or abuse or neglect of the sponsored spouse by her sponsor or relative living in their house. These exceptions were extended to include cases of forced marriages - where individuals are coerced to marry - only after advocates working in this area demanded this change.

In order to avoid deportation, the sponsored spouse needs to fit into an exception category through acceptable documentary evidence such as medical reports, photographs, emails, police reports, shelter stays, and the records of other agencies. Victims of domestic violence face numerous challenges, especially for the sponsored immigrant who also faces language barriers and social isolation, which contributes to the under-reporting of abuse and challenges in marshalling the documentary evidence required to meet the threshold for an exception.

Further, there is no existing exception for an amicable separation of the sponsored spouse from the sponsor, should the relationship end by mutual agreement. As a result, a sponsored spouse risks losing her immigration status if she takes steps to separate. We have also observed that sponsored spouses are required to submit their family law case documentation as corroborating evidence of abuse and/or to demonstrate their intentions regarding the marriage. These cases require collaborative efforts between immigration and family law lawyers.

Implications of Amendments to the Immigration and Refugee Protection Act: The Plight of Sponsored Spouses (continued from page 12)

In many cases, a sponsored spouse is sent back to the home country or abandoned on a family trip. Often a sponsored spouse is made to feel obligated to her sponsor for being brought to Canada. When the existence of domestic abuse, or a separation, comes to the attention of the community, the sponsored spouse may be unable to garner community support similar to that given to her sponsor. She may fear being ostracized from her community, as the breakdown of a relationship is believed to bring shame to the families.

In divorce litigation, power imbalances often create a situation in which one party is significantly disadvantaged. The party with the negotiation leverage becomes unfairly empowered at the expense of the increased vulnerability of the other party. We are deeply concerned over the dramatic shift of power dynamics that we have observed as a result of the changes in immigration laws. Within immigrant family units, common external power issues include: financial resources, education, physical strength, mental health, religious status/moral authority and pressure from the community to stay together or reconcile. However, none of these factors creates more vulnerability for sponsored spouses than the conditions binding them to their sponsor by immigration laws.

The current immigration laws have had a negative effect on the options available to sponsored spouses who fear for themselves or their children and who might otherwise consider leaving an abusive sponsor. Many victims facing the breakdown of the relationship fear consequences beyond the loss of their immigration status. They describe fear of the consequences of leaving the abusive relationship - such as deportation, lengthy litigation and precariousness due to uncertainty of immigration status, losing child custody, deportation without their child(ren), poverty and homelessness, the attitude of their community, language barriers, lack of accurate information regarding immigration law and other legal rights, the cost of a lawyer, and the need to prove their cases based on evidence that is often unavailable given their circumstances.

There is an alarming surge in cases where the sponsoring spouse delays taking steps in the sponsorship process until demands - such as dowry - are met. At the international level, the increasing trend of "abandoned brides" or "runaway grooms" is being identified as a systemic issue. Advocacy groups are demanding changes to Canadian immigration policies, calling for enhanced checks and balances between international jurisdictions. There is a need for better background scrutiny and confirmation of the intention to remain married before approval of immigration. Funds are currently being established by foreign governments to support abandoned brides. For example, the Ministry of Overseas Affairs in India has introduced a scheme to provide up to \$3,000 USD to assist the victims of abuse in cases of abandoned brides.

We believe that the professionals and officials working on these immigrant issues need to have a deeper understanding of the underlying issues and of the unintended consequences of the amendments to the *Immigration and Refugee Protection Act*. There is also a need for a more coordinated effort between Canada and the international community to respond to the inter-jurisdictional issues through changes in immigration policies and better implementation of existing laws. With improved understanding of these emerging trends, a collaborative approach amongst the professionals involved, and improved coordination, there could be positive changes for immigrant families.



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FILM REVIEW:
Karen Cries on the Bus (2011) - Colombia (subtitled)


Set in Colombia, the film follows a woman who, after ten years of marriage, decides to leave her disengaged and emotionally detached husband, Mario, and 'repaint' her life. Karen is economically dependent on her husband and has no job, no resources, and no support. Her mother, who appears to be her only real confidante, is quick to point out the challenges she will face, and urges her to stay with her husband and remain in comfort, despite living in an emotionally barren and unfulfilling relationship.

Karen's decision to leave her husband forces her to abruptly confront the realities of her situation. Karen arrives in Bogota exhausted, uncertain and afraid. Finding shelter at a rundown boarding house, she awakes the next morning having slept with the light on and fully dressed, her suitcase still packed. Setting out to find work, she only finds disappointment, and quickly depletes her money. Eventually she finds employment, only to discover the job is a scam. Later, her purse is stolen, and left with nothing she is forced to pawn her ring to cover a tab at a restaurant. Without money, Karen must adapt and survive, and resorts to panhandling and stealing food from a local market.

Mario finds Karen and urges her to come back. He convinces her he will change. Succumbing to the pressures she has experienced, she considers reconciliation and returns to the comforts of her home for a night. She quickly recognizes old patterns re-emerging and she returns to her new life in Bogota. Mario is quick to criticize, claiming that she will be unable to survive without him.

Karen develops a friendship with another woman who resides in the same boarding house, and finds the support she needs. With her friend's help Karen finds a job and, despite Karen's resistance, is introduced to a new man who appears to provide Karen with much of what she was missing in her marriage. However, as happy as she finally finds herself, she realizes that she must again choose between a life devoted to herself, or a life devoted to someone else.

Karen Cries on the Bus captures the economic and social realities people face when leaving relationships in which they are economically dependent. Acknowledging the systemic realities of ageism and unemployment, as well as the lack of supports available to many, the movie creates considerable tension in the viewer as you bear witness to Karen's struggle to maintain her autonomy and her confidence in her decision. The film also captures the relational loss and isolation which occurs as a result of separation. In the end, Karen realizes that she is the one who she must rely on, and that the value of inner happiness and contentment may be worth more than the cost of security.



Written by: Jared Norton, MSW, RSW, Acc.FM, AFCC-O Newsletter Committee

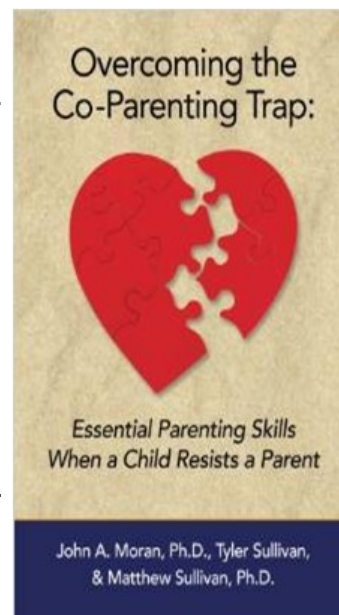


Visit our website to learn more about our Board Members and to view a list of our Committees and Working Groups. New committee members are always welcome and encouraged! www.afccontario.ca/committees

BOOK REVIEW:**Overcoming the Co-Parenting Trap: Essential Parenting Skills When a Child Resists a Parent.**

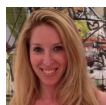
Authors: John A. Moran, Ph.D., Tyler Sullivan, and Matthew Sullivan, Ph.D.

This book, written by leading experts in the field, is intended for mental health professionals and parents trying to manage a conflicted divorce, in which there is the added complexity of a child who resists contact with one of the parents. The book begins by providing an overview of the multiple factors associated with these family dynamics. It continues by providing the resisted and preferred parent with essential and tangible skills for dealing with the resistance. The last section of the book is devoted to the importance of developing co-parenting skills, including the development of a co-parenting agreement. What is particularly useful for both parents and mental health professionals is the use of real scenarios and suggested responses to help parents and their children during these difficult moments.

**Forthcoming Book:****Family-Based Interventions for Children's Resistance, Rejection, Alienation: Overcoming Barriers and Other Clinical Approaches**

Editors: Abigail Judge, Ph.D. and Robin Deutsch, Ph.D.

Parent-child contact problems, including parental alienation, are among the most challenging presentations in family court and the number of reported cases has increased. This volume provides an overview of the clinical challenges in working with affected families, including best practices in assessment, the range of outpatient family-based models available and tailoring interventions to the problem. Following this foundational material, contributors describe one model of treatment known as the Overcoming Barriers approach with discussion of how to adapt its principles to routine outpatient practice. Clinical, psycho-legal and programmatic challenges are emphasized.



Written by: Shely Polak, MSW, RSW, Acc.FM., AFCC-O Newsletter Committee

Overcoming the Co-Parenting Trap: Essential Parenting Skills When a Child Resists a Parent can be purchased on Amazon at this direct link:

<http://www.amazon.com/Overcoming-Co-Parenting-Trap-Essential-Parenting/dp/0692407995>



AFCC-O GROUPS & COMMITTEES:

Thursday, October 22nd, 2015

New Professionals Event, "Opportunities for Resolution in Family and Child Protection Law", Spring Rolls Restaurant, Toronto, 4:30-5:30pm

Pre-Conference Institute, "Evidence Law for Lawyers and Mental Health Professionals", Toronto CAS Bldg., Toronto, limited registration for AM and PM sessions

AFCC-O Conference Reception, Spring Rolls Restaurant, Toronto, 5:30-7:30 pm

AFCC-O 7th Annual AGM & Conference, "From Risk to Resilience—Exploring Better Outcomes for Children". See pages 2-3 for details on registration for the Pre-conference, Reception & Conference

Tuesday, October 27, 2015

New Child Protection Lawyers' Group—"Kinship Plans in Child Protection Cases" Lunch & Learn 1pm.

Wednesday, November 11th, 2015

DINNER AND ROUNDTABLE DISCUSSION, "Changing the Culture of Conflict Resolution in Family Law Matters—Experiencing Divorce Through the Eyes of a Child". Giovanni Caboto Club, Windsor. Contact Jennifer Suzor for details and registration jsuzor@familylawspecialist.ca

November 20, 2015

Parenting Assessors Group meeting at CAS Toronto Bldg. 1:30-4:30. See flyer on our website.

Saturday, March 12, 2016

Walsh Family Law Moot—competition in litigation and negotiation for law students. Contact Steve Benmor at steve@benmor.com if you wish to volunteer with this event. Information can be found on our website at: http://www.afccontario.ca/walsh_family_moot.html.

AFCC-O Chapter members are sent a monthly email with important chapter news, information on upcoming chapter and local events, and RFP notices. If your email changes, please log in to your AFCC member profile at: <https://www.afccnet.org/Member-Login> to update your contact information, or notify us by email: afccontario@gmail.com.

The AFCC-O is offering to facilitate mentorship opportunities between new and experienced professionals. The commitment through AFCC-O is for one contact only, but the parties can then work out any further arrangements. **If you are interested in being a mentor or a mentee, please send an email BY NOVEMBER 15, 2015, to afccontario@gmail.com** indicating your profession, region(s) of practice, interest (mentor or mentee) and contact information. We hope to complete our first round of matches by December 15, 2015.

Provincial Programs available*

The Provincial Planning committee has been hard at work developing programs to facilitate networking and learning in innovative ways. The purpose of these programs is to provide local communities with a creative way to network and learn with colleagues. Addressing a wide array of topics, we extend an invitation to host an event for AFCC-O members, and other family justice professionals in your community. All you have to do is contact the AFCC-O with your interest in hosting an event, and we'll work with you to take care of the smallest of details.

Choose from any of the following programs:

1. How to Build a Thriving Practice, Prevent Complaints and Feel Rewarded
2. Family Law Dilemmas: Learning from Film and Discussion
3. Adult Children of Divorce Have Their Say

***For more information contact Justice Gerri Wong via email: afccontario@gmail.com**

COURSE FLYERS can be viewed on [Training Seminars & Workshops](#) webpage
DON'T FORGET TO CHECK OUR [CALENDAR](#) REGULARLY to view AFCC, AFCC-O and Other Ontario local training and events



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Overcoming Barriers

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New Resources for Families and Family Court Professionals:

- **Intensive Immersion Training for Professionals:** December 3&4 with Drs. Robin Deutsch, Barbara Fidler & Peggie Ward. 20 hours covering clinical work plus nuts & bolts of the Weekend Intensive.
- **Guide for Parents:** Overcoming the Co-Parenting Trap: Essential Parenting Skills when a Child Resists a Parent

Visit our website for more info and resources including family programs
www.OvercomingBarriers.org
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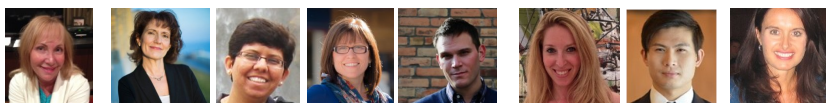
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Our newsletter is published two times a year usually in March and October. The submission **deadline** for news and advertising items in our next issue is February 5th, 2016.

Advertising copy must be camera ready and payment made in CAD funds.

Full page
\$425 (member)
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Half page
\$300 (member)
\$450 (non-member)

Quarter page
\$150 (member)
\$250 (non-member)



If you have an interesting topic or article you would like featured in our next issue, please let us know by emailing us at:

afccontario@gmail.com

Except where otherwise indicated, the articles in this AFCC-O Newsletter represent the opinions and views of the authors and do not necessarily represent the opinion of the AFCC, the AFCC-O or any of the officers of either organization

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Visit our website at www.afccontario.ca to:

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- **View and download a copy of our Conference Brochure**
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